

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION

In re:

Frank Toledo and Victoria Ellen Toledo

a/k/a Victoria E Toledo, Victoria Toledo

S.S. Nos.: xxx-xx-5532 and xxx-xx-2707

Mailing Address: 312 Patterson Street, Raeford, NC 28376-

Case No. 11-80237

Debtors.

NOTICE TO CREDITORS AND PROPOSED PLAN

The Debtors have filed for relief under Chapter 13 of the United States Bankruptcy Code on February 10, 2011.

The filing automatically stays collection and other actions against the Debtors, Debtors' property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtors' proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: February 24, 2011

LAW OFFICES OF JOHN T. ORCUTT, P.C.

/s John T. Orcutt

John T. Orcutt
N.C. State Bar No. 10212
Counsel for the Debtors
6616-203 Six Forks Rd.
Raleigh, N.C. 27615
Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

CH. 13 PLAN - DEBTS SHEET (MIDDLE DISTRICT - DESARDI VERSION)				Date: 2/10/11	
RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN				Lastname-SS#: Toledo-5532	
Retain	Creditor Name	Sch D #	Description of Collateral	SURRENDER COLLATERAL	
	Bank of America Home Loans	1	House & Lot	Creditor Name	
	Hoke County Taxes	3	House & Lot	Description of Collateral	
	Richmond Co. Taxes	4	House & Lot	None	
ARREARAGE CLAIMS				REJECTED EXECUTORY CONTRACTS/LEASES	
Retain	Creditor Name	Sch D #	Arrearage Amount	(See †)	Creditor Name
	Bank of America Home Loans	1		**	None
	Hoke County Taxes	3		**	
	Richmond Co. Taxes	4		**	
				**	
	GMAC Mortgage	2	\$3,579	**	
				**	
				**	
LID - DUE ON PRINCIPAL RESIDENCE & OTHER LONG TERM DEBTS				Description of Collateral	
Retain	Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection
	GMAC Mortgage	2	\$634	N/A	n/a
				N/A	n/a
				N/A	n/a
				N/A	n/a
STD - SECURED DEBTS w/ FMA				Description of Collateral	
Retain	Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection
	None			5.00	
				5.00	
				5.00	
				5.00	
STD - SECURED DEBTS w/ 100%				Description of Collateral	
Retain	Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection
	None			5.00	
				5.00	
				5.00	
				5.00	
ATTORNEY FEE (Upated part)		Amount		PROPOSED CHAPTER 13 PLAN PAYMENT	
Law Offices of John T. Orcutt, P.C.		\$2,800		\$ 1,121 per month for 60 months, then	
SECURED TAXES		Secured Amt		\$ N/A per month for N/A months.	
IRS Tax Liens				Adequate Protection Payment Period: 5.15 months.	
Real Property Taxes on Retained Realty				Sch D # = The number of the secured debt as listed on Schedule D.	
UNSECURED PRIORITY DEBTS		Amount		Adequate Protection = Monthly 'Adequate Protection' payment amt.	
IRS Taxes		\$10,700		† = May include up to 2 post-petition payments.	
State Taxes		\$800		* Co-sign protect on all debts so designated on the filed schedules	
Personal Property Taxes				** = Greater of DMI x ACP or EAE (Page 4 of 4)	
Alimony or Child Support Arrearage				Ch13Plan_MD_(Desardi Version 1/12/11) © LOTO	
CO-SIGN PROTECT (Pay 100%)		Int.%	Payoff Amt		
All Co-Sign Protect Debts (See*)					
GENERAL NON-PRIORITY UNSECURED DEBTS		Amount**			
DMI= \$210		\$7,560			
Other Miscellaneous Provisions					
Plan to allow for 3 "waivers". Interest on EAE at fed. judgment rate					
Please pay out Equity above exemptions in the amount of \$16,222 toward unsecured priority claims, to include attorney fees and any allowed unsecured claims filed.					

CERTIFICATE OF SERVICE

I, Kaelyn McCollum, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

All the creditors set forth on the mailing matrix filing in this case.

/s Kaelyn McCollum

Kaelyn McCollum

North Carolina Department of Revenue c/o NC Department of Justice Post Office Box 629 Raleigh, NC 27602-0629	US Attorney's Office (ED)** 310 New Bern Avenue Suite 800, Federal Building Raleigh, NC 27601-1461	Citi Cards Post Office Box 660370 Dallas, TX 75266-0370
Employment Security Commission Attn: Benefit Payment Control Post Office Box 26504 Raleigh, NC 27611-6504	Accounts Receivable Management, Inc Post Office Box 129 Thorofare, NJ 08086-0129	Discover Card Post Office Box 30943 Salt Lake City, UT 84130
Credit Bureau Post Office Box 26140 Greensboro, NC 27402	Asset Acceptance, LLC 2840 South Faulkenburg Road Riverview, FL 33569	GMAC Mortgage Attn: General/Managing Agent 3451 Hammond Avenue Waterloo, IA 50702-5345
NC Child Support Centralized Collections Post Office Box 900006 Raleigh, NC 27675-9006	Bank of America Home Loans Attn:General Managing Agent 7105 Corporate Drive (PTX-B-36) Plano, TX 75024	Hoke County Tax Collector Post Office Box 217 Raeford, NC 28376-0217
Equifax Information Systems LLC P.O. Box 740241 Atlanta, GA 30374-0241	Barclays Bank c/o Card Services Post Office Box 8803 Wilmington, DE 19899	HSBC/ROOMSTORE P.O. Box 5253 Carol Stream, IL 60197-5253
Experian P.O. Box 2002 Allen, TX 75013-2002	Beneficial Post Office Box 3425 Buffalo, NY 14240-9733	Internal Revenue Service Post Office Box 21126 Philadelphia, PA 19114-0326
Trans Union Corporation P.O. Box 2000 Crum Lynne, PA 19022-2000	Cash Call Post Office Box 66007 Anaheim, CA 92816	Military Star Disputes Unit Post Office Box 650410 Dallas, TX 75265-0410
ChexSystems Attn: Consumer Relations 7805 Hudson Road, Ste. 100 Woodbury, MN 55125	Chase Cardmember Service Post Office Box 15298 Wilmington, DE 19850-5298	North Carolina Department of Rev c/o Reginald S. Hinton Post Office Box 25000 Raleigh, NC 27640-5000
Internal Revenue Service (ED)** Post Office Box 7346 Philadelphia, PA 19101-7346	Citi Card Post Office Box 6500 Sioux Falls, SD 57117-6500	North Carolina Dept of Revenue Post Office Box 1168 Raleigh, NC 27602-1168

Orchard Bank
c/o HSBC Card Services
Post Office Box 80084
Salinas, CA 93912-0084

Wells Fargo Financial
Post Office Box 5943
Sioux Falls, SD 57117-5943

PDM Ankle Foot Surgical POD
c/o Online Collections GRVL
202 Firetower Road
Winterville, NC 28590-8412

Resurgent
625 Pilot Road
Ste 2
Las Vegas, NV 89119

Richmond County Tax Commissioner
530 Greene Street
Room 117 Municipal Building
Augusta, GA 30901

Sears/CBSD
133200 Smith Road
Cleveland, OH 44130

The Law Offices of John T. Orcutt, P.C.
6616-203 Six Forks Road
Raleigh, NC 27615

US Attorney's Office (MD)**
Middle District
Post Office Box 1858
Greensboro, NC 27502-1858

Walmart
c/o GE Money Bank
Post Office Box 103104
Roswell, GA 30076

Wells Fargo Card Services
Post Office Box 30086
Los Angeles, CA 90030